

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – Single Unit – Sri P. Shyam Sunder, Section Officer (Retired) – Disciplinary action initiated – Expired on 06.11.2009 – Further action - Dropped–orders –Issued.

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GENERAL ADMINISTRATION (SU-I) DEPARTMENT

G.O.Rt.No. 2330

Dated:21.05.2012.

Read the following:-

- 1). G.O.Rt.No.1871, Food & Agriculture (OP.I) Dept., Dt.08-09-1988.
- 2). GO.Rt.No. 357, General Administration (SU-I) Dept., dt. 22-01-1991.
- 3). G.O.Rt.No.358, General Administration (SU.I) Deptt., dt.22.01.1991
- 4). Charge Memo No.CC/C&D.A/91, Dt:28.01.1991 of the Commissioner & Director of Agriculture and Ex-officio Secretary to Government, Food & Agriculture Department.
- 5). G.O.Rt.No.171, Food & Agriculture (OP-1) Dept., dt.29-01-1991
- 6). G.O.Rt.No.1266, Food & Agriculture (OP-1) Dept., dated.17-06-1991.
- 7). Orders Dt:28.04.1995 of the Hon'ble IX Metropolitan Magistrate Court in C.C. NO. 372/91.
- 8). Orders Dt:15.10.2004 of the Hon'ble A.P.A.T., Hyderabad in O.A.No.8519/2001.
- 9). Orders Dt:24.09.2004 of the Hon'ble High Court of A.P. in Criminal Appeal No.1228/2004.
- 10). From Sri P. Shyam Sunder, Section Officer (Retired), representation Dt:30.10.2008
- 11). From Smt. P. Padmalochani, W/o. Late Sri P. Shyamsunder, Section Officer (Retired) representation Dt.16.01.2010

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**ORDER:**

Sri.P.Shyam Sunder, while working as Section Officer in Food & Agriculture Department was arrested by police on 29/8/1988 for his alleged involvement in a criminal case and remanded for Judicial Custody and later on granted bail. As he was involved in a case of moral turpitude, he was placed under suspension in public interest pending investigation into the criminal charges against him, vide G.O. 1<sup>st</sup> read above. Later he was reinstated into service without prejudice to the final outcome of the Criminal charges vide G.O. 2<sup>nd</sup> read above.

2. A charge sheet was filed by police before IX Metropolitan Magistrate Court, Hyderabad in C.C.No.372/1991 stating that Sri.P.Shyam Sunder had committed offences punishable under sections 465, 468 and 471 of the Indian Penal Code, 1860.

3. In the G.O. 3<sup>rd</sup> read above, the Commissioner & Director of Agriculture & Ex-officio Secretary to Government, Food & Agriculture Department was appointed as Enquiry Officer to enquire into the alleged making of false documents/forged documents etc., and the Enquiry Officer had framed certain charges against Sri P.Shyam Sunder, Section Officer, vide Memo 4<sup>th</sup> read above and served on him immediately i.e., on 28.01.1991.

(P.T.O)

4. In the G.O. 5<sup>th</sup> read above, Sri P. Shyam Sunder, Section Officer was permitted to retire from service on attaining the age of superannuation on 31-01-1991 AN in Food & Agriculture Department, without prejudice to Criminal case/ Disciplinary case pending against him. On the request of the individual, Government, sanctioned a provisional Pension of Rs.855/- per month w.e.f. 01-02-1991 under FR 52 of Andhra Pradesh Revised Pension Rules, 1980 pending disposal of criminal prosecution case and disciplinary cases initiated against him, vide G.O. 6<sup>th</sup> read above.

5. In the orders 7<sup>th</sup> read above, the IX Metropolitan Magistrate Court in C.C. No.372/91 in its order dated 28-04-95 has acquitted Sri P. Shyamsunder, Section Officer (Retired). Against the acquittal orders of IX Metropolitan Magistrate Court in C.C.No.372/91, the Additional Director General, CID, Hyderabad has filed a Criminal Appeal No. 1228/04 in Hon'ble High Court of Andhra Pradesh, Hyderabad.

6. Sri P. Shyamsunder, Section Officer (Retired) filed O.A.No.8519/2001 in APAT requesting the Hon'ble Tribunal to direct the respondents to release his retirement benefits. The Hon'ble Tribunal in its order dt.15-10-2004 has made the following:

**"..... So, taking into consideration the over all matter, if there is no order passed by the Hon'ble High Court setting aside the lower court judgment, the applicant is entitled to treat the period of suspension as on duty he cannot be entitled to any monetary benefits but notional benefits should be given and increment should be sanctioned for that period till reinstatement. In so far as promotion is concerned to the post of Asst. Secretary, it is post to be filled by merit cum seniority and at this stage, this Tribunal cannot give any benefit of promotion to him. Pensionary benefits should be fixed in the same pay scale with increments in the post which was held by him at the time of retirement within a period of 3 months from the date of receipt of a copy of this order after due verification. It is also made clear that after the Hon'ble High Court decides the matter pending against the applicant, necessary orders are to be passed by the authorities to which the applicant is at liberty to question the same before this Tribunal."**

7. Further, the Hon'ble High Court of Andhra Pradesh in its judgment dt.24.09.2008 in Criminal Appeal No.1228/2004 has passed orders as follows:-

**"....the trial Court, considering all the aspects, has rightly acquitted the respondents. I am not inclined to interfere with the judgment of the Trial Court. Accordingly, the Criminal Appeal is dismissed."**

8. In the letter 10<sup>th</sup> read above, Sri P. Shyamsunder, S.O.(Retd.), while enclosing the copy of the judgment of Hon'ble High Court in Criminal Appeal No.1228 of 2004 has requested to regularize suspension period as duty, to protect his seniority and release his full pension, gratuity, commutation of pension together with interest. In the meantime he expired on 06-11-2009.

(Contd.. 3..)

9. In the letter 11<sup>th</sup> read above, Smt. P. Padmalochani, W/o. Late Sri P. Shyamsunder, S.O.(Retd.) while enclosing the Death Certificate of her husband has requested to drop further action, if any, in the matter and to sanction retirement benefits consequent on expiry of her husband.

10. The Government after careful examination of the matter have decided to drop the disciplinary proceedings initiated against P. Shyam Sunder, Section Officer (Retired and expired on 06-11-2009), in terms of orders issued in G.O. Ms. No. 85, Fin. & Plg. (FW-Pen-I) Dept., dated 12-07-1999, as there is no loss caused to the Government or no case of misappropriation of Government money was done by the individual and to sanction the consequential benefits as per rules, keeping in view the orders of the Hon'ble APAT dt.15.10.2004 in O.A.No.8519/2001.

11. Accordingly, the Government hereby drop the disciplinary proceedings initiated in the memo 4<sup>th</sup> read above against Late P. Shyam Sunder, Section Officer (Retired) and sanction consequential benefits, as per rules, keeping in view the orders of the Hon'ble APAT,dt.15.10.2004 in O.A.No.8519/2001.

12. This order issues with the concurrence of Finance (Pen.I) Department vide U.O.No. 10508/306/A1/Pen.I/11, Dated: 28.11.2011.

13. The Agriculture & Cooperation (OP) Department shall take necessary further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

DR. VIJAY KUMAR  
SECRETARY TO GOVERNMENT (M.A) &  
EX-OFFICIO SECRETARY TO GOVERNMENT (610) and  
SECRETARY TO GOVERNMENT (Ser. & HRM) (i/c)

To

Smt. P. Padmalochani, W/o. Late Sri P. Shyamsunder, Section Officer (Retired)  
Plot No.250, Sripuram Colony, Malkpet, Hyderabad – 500 036.

The Agriculture & Cooperation (OP) Department.

The Accountant General, A.P. Hyderabad.

The Enquiry Officer & Commissioner & Director of Agriculture, A.P., Hyderabad.

Copy to:

The General Administration (SC-F) Department.

The Deputy Pay & Accounts Officer, A.P. Secretariat Br, Hyderabad.

The P.S. to Chief Secretary / Secretary (Ser & HRM).

The Law (E) Department.

SF/SCs.

// FORWARDED :: BY ORDER //

SECTION OFFICER